

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

Senate Bill 708

FISCAL
NOTE

BY SENATORS TARR, PLYMALE, ROBERTS, RUCKER,
BALDWIN, BEACH, HARDESTY, JEFFRIES, MANN,
PALUMBO, ROMANO, TRUMP, WOELFEL, BLAIR,
CLEMETS, CLINE, LINDSAY, AND STOLLINGS

[Introduced February 5, 2020; referred
to the Committee on Health and Human Resources;
and then to the Committee on Finance]

1 A BILL to amend and reenact §18C-3-3 of the Code of West Virginia, 1931, as amended, relating
 2 to establishing a loan repayment program for certified behavior analysts; and providing
 3 definitions.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3. HEALTH PROFESSIONALS STUDENT LOAN PROGRAMS.

§18C-3-3. Health Sciences Service Program; establishment; administration; eligibility.

1 (a) There is continued a special revolving fund account under the Higher Education Policy
 2 Commission in the State Treasury formerly known as the Health Sciences Scholarship Fund. The
 3 fund shall be used to accomplish the purposes of this section. The fund consists of any of the
 4 following:

5 (1) All unexpended health sciences scholarship funds on deposit in the State Treasury on
 6 the effective date of this section;

7 (2) Appropriations as may be provided by the Legislature;

8 (3) Repayments, including interest as set by the Vice Chancellor for Health Sciences,
 9 collected from program award recipients who fail to practice or teach in West Virginia under the
 10 terms of an award agreement or the Health Sciences Scholarship Program previously established
 11 by this section; and

12 (4) Amounts that may become available from other sources.

13 Balances remaining in the fund at the end of the fiscal year do not expire or revert to the
 14 general revenue. All costs associated with the administration of this section shall be paid from the
 15 Health Sciences Service Program Fund under the direction of the Vice Chancellor for Health
 16 Sciences.

17 (b) Award preference is given to West Virginia residents. An individual is eligible for
 18 consideration for a Health Sciences Service Program award if the individual:

19 (1) Either:

20 (A) Is a fourth-year medical student at the Marshall University School of Medicine, West

21 Virginia School of Osteopathic Medicine, or West Virginia University School of Medicine who has
22 been accepted in a primary care or emergency medicine internship/residency program in West
23 Virginia; ~~or~~

24 (B) Is enrolled in an approved education program at a West Virginia institution leading to
25 a degree or certification in the field of nurse practitioner, nurse educator, nurse midwife, physician
26 assistant, dentist, pharmacist, physical therapist, doctoral clinical psychologist, licensed
27 independent clinical social worker, certified behavior analyst, or other disciplines identified as
28 shortage fields by the Vice Chancellor for Health Sciences; ~~and~~ or

29 (C) Has completed coursework from any university program accredited by the Association
30 for Behavior Analysis International and is a certified behavior analyst after January 1, 2020; and

31 (2) Signs an agreement to practice for at least two years in an underserved area of West
32 Virginia or, if pursuing a master's degree in nursing, signs an agreement to teach at least two
33 years for a school of nursing located in West Virginia, as may be determined by the Vice
34 Chancellor for Health Sciences, after receiving the master's degree.

35 (c) Program awards shall be in an amount set by the Higher Education Policy Commission
36 of at least \$20,000 for medical and dental students and at least \$10,000 for all others and may
37 be awarded by the Vice Chancellor for Health Sciences, with the advice of an advisory panel,
38 from the pool of all applicants with a commitment to practice in an underserved area of West
39 Virginia. This section does not grant or guarantee any applicant any right to a program award.

40 (d) A program award recipient who fails to practice in an underserved area of West Virginia
41 within six months of the completion of his or her training, or who fails to complete his or her training
42 or required teaching, is in breach of contract and is liable for repayment of the program award
43 and any accrued interest. The granting or renewal of a license to practice in West Virginia or to
44 reciprocal licensure in another state based upon licensure in West Virginia is contingent upon
45 beginning payment and continuing payment until complete repayment of the award and any
46 accrued interest. A license, renewal, or reciprocity may not be granted to any person whose

47 repayment is in arrears. The appropriate regulatory board shall inform all other states where a
48 recipient has reciprocated based upon West Virginia licensure of any refusal to renew licensure
49 in West Virginia as a result of failure to repay the award. This provision shall be explained in bold
50 type in the award contract. Repayment terms, not inconsistent with this section, shall be
51 established by the Vice Chancellor for Health Sciences pursuant to the rule required by this
52 section.

53 (e) (1) There is created a student loan repayment program to be administered by the
54 Higher Education Policy Commission. The loan repayment program shall help repay the student
55 loans for mental health providers and certified behavior analysts who provide therapy and
56 counseling services and who reside in West Virginia and work in an underserved area of West
57 Virginia for up to three years beginning January 1, 2020. Individuals participating in the loan
58 repayment program may be eligible to receive up to \$30,000 to be dispersed as follows:

59 (A) A participant may receive a loan repayment program award of up to \$10,000 each year
60 in exchange for the participant completing one year of practice in an underserved area.

61 (B) A participant may not receive a program award for more than three years of practice.

62 (C) A participant must direct each award received toward the repayment of his or her
63 educational loans.

64 (2) There is created a special revenue fund account under the Higher Education Policy
65 Commission in the State Treasury known as the Mental Health Provider Student Loan Repayment
66 Fund. The fund shall be used to accomplish the purposes of this subsection. The fund shall consist
67 of appropriations as may be provided by the Legislature. Any moneys remaining in the fund at the
68 close of a fiscal year shall be carried forward for use in the next fiscal year.

69 (f) *Rule.* — The Higher Education Policy Commission shall promulgate a rule pursuant to
70 §29A-3A-1 *et seq.* of this code to implement and administer this section.

71 (g) As used in this section:

72 “Certified behavior analyst” means an individual who is certified by the Behavior Analyst

73 Certification Board or certified by a similar nationally recognized organization.

74 ~~(1)~~ "Training" means:

75 (A) The entire degree program or certification program for nurse midwives, nurse
76 practitioners, nurse educators, physician assistants, dentists, pharmacists, physical therapists,
77 doctoral clinical psychologists, licensed independent clinical social workers, certified behavior
78 analysts, and other disciplines identified as shortage fields by the Vice Chancellor for Health
79 Sciences; or

80 (B) Completion of a degree program and an approved residency/internship program for
81 students pursuing a degree in medicine or osteopathy, or as otherwise may be designated for
82 such students in the rule required by this section.

83 ~~(2)~~ "Underserved area" means any primary care health professional shortage area located
84 in the state as determined by the Bureau for Public Health or any additional health professional
85 shortage area, including an emergency medicine professional determined by the Vice Chancellor
86 for Health Sciences.

NOTE: The purpose of this bill is to include certified behavior analysts as health professionals for whom there is an established student loan program to encourage such providers to practice in the state.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.